

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MOHAMMED M. AHMED;

Plaintiff,

v.

T.J. MAXX CORP. and
TJX COMPANIES INC.;

Defendants.

Index No. 10-CV-3609 (ADS)(ETB)

**Affirmation of Robert J. Valli, Jr.
in Support of Plaintiff's Motion
for Conditional Certification**

Robert J. Valli Jr., under the penalty of perjury under the laws of the United States, affirms and says:

1. I am an attorney at Valli Kane & Vagnini, attorneys for Plaintiff Mohammed M. Ahmed who has brought this action alleging violations of the Fair Labor Standard Act (FLSA) and New York Labor Law on behalf of himself and all others similarly situated. As such, I have personal knowledge of the facts and circumstances set forth herein. I submit this Affirmation in Support of Plaintiffs' Motion for Conditional Certification and Notice to Putative Collective Action Members.

2. Plaintiff bring this action on behalf of all employees who were not paid overtime as required by State and Federal laws. Plaintiffs allege that all employees suffer from Defendant's systematic practice of not paying overtime and compensatory time to eligible employees despite the number of hours worked or the classifications.

3. Because Defendant's employees should be given the chance to recover their wages, Plaintiffs seek an order from the Court:

- (1) Conditionally certifying this suit as a collective action;
- (2) Authorizing Plaintiffs to send a Notice of this action along with a Consent Form (opt-in form) to all Covered Assistant Managers currently and/or formerly employed by Defendants, outside of California, within three years of the date of this lawsuit, or from August 5, 2007;
- (3) Ordering Defendants to produce, in a computer readable manner, the names, last known mailing addresses, alternate addresses, all telephone numbers, last

known email addresses, social security numbers, and dates of employment of all Covered Assistant Managers; and

- (4) Ordering Defendants to post the Notice and/or deliver a memo, along with the Consent forms, in a place where Assistant Managers are likely to view it in all stores owned and/or operated by Defendants.

4. Attached to this Affirmation are true copies of the following Affidavits:

Exhibit 1. Complaint

Exhibit 2. Relevant excerpts from the Deposition of Mohammed Ahmed taken on March 3, 2011.

Exhibit 3. Relevant excerpts from the Deposition of Angelina Dunscomb taken on January 30, 2012.

Exhibit 4. Relevant excerpts from the Deposition of Joseph Paparatto taken on February 13, 2012.

Exhibit 5. Affidavit of Andrea Casale

Exhibit 6. Affidavit of Ann Esposito

Exhibit 7. Relevant excerpts from the Rule 30(b)(6) Deposition of Robert Borek taken on February 23, 2010.

Exhibit 8. Relevant excerpts from the Deposition of Andrea Casale taken on February 22, 2012.

Exhibit 9. Relevant excerpts from the Deposition of Phillip Frenette taken on January 30, 2012.

Exhibit 10. Relevant excerpts from the Deposition of Cynthia Boyd taken on March 16, 2012.

Exhibit 11. Relevant excerpts from the Deposition of Amanda Holder taken on January 31, 2012.

Exhibit 12. Relevant excerpts from the Deposition of Reynaldo Pena taken on February 13, 2012.

Exhibit 13. Opt-in Form of Andrea Casale

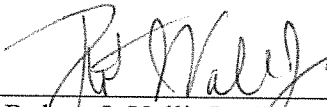
Exhibit 14. Relevant excerpts from the Rule 30(b)(6) Deposition of Jennifer Brady taken on February 22, 2012.

Exhibit 15. Assistant Store Manager Job Descriptions

- Exhibit 16. Relevant excerpts from the Deposition of Janet Sohmer taken on January 31, 2012.
- Exhibit 17. Coordinator Job Description
- Exhibit 18. Relevant excerpts from the Rule 30(b)(6) Deposition of Deborah Felix taken on November 4, 2011.
- Exhibit 19. Operational Readiness Document
- Exhibit 20. Management Staffing Matrix
- Exhibit 21. Labor Budgets for Commack and Oceanside
- Exhibit 22. Glassdoor.com, T.J. Maxx Current and Former Employee Complaints
- Exhibit 23. Relevant excerpts from the Deposition of Armando Cabrera taken on November 2, 2011.

5. Attached to this Affirmation as Exhibit 24 are true copies of the Notice of Pendency and Consent to Join Collection Action.

Dated: April 20, 2012


Robert J. Valli, Jr. (RV-9995)